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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 RAYNE DEE WELLS JR,

11 Plaintiff,

12 v.

13 STEVEN DEMARS et al.,

14 Defendants.

CASE NO. C11-5759-BHS-JRC

ORDER DENYING A MOTION TO
APPOINT COUNSEL

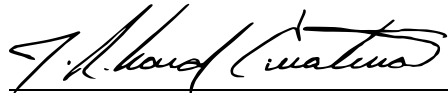
15 This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate
16 Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules
17 MJR 1, MJR 3, and MJR 4. Plaintiff has filed a motion for appointment of counsel (ECF No.
18 12).

19 There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.
20 Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e) (1), the court
21 may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th
22 Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616
23 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both
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1 the likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro
2 se in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

3 Plaintiff has demonstrated an adequate ability to articulate his claims pro se and has not
4 made an argument regarding the likelihood of success on the merits. The court is not in a
5 position to evaluate the likelihood of success on the merits. Plaintiff's reasons for requesting
6 counsel, namely having to sign up for law library and that plaintiff will be required to present to
7 a jury, are matters every inmate faces and do not constitute exceptional circumstances. The
8 motion is DENIED.

9 DATED this 9th day of January, 2012.

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12 J. Richard Creatura
13 United States Magistrate Judge
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